



United States Attorney
Southern District of New York

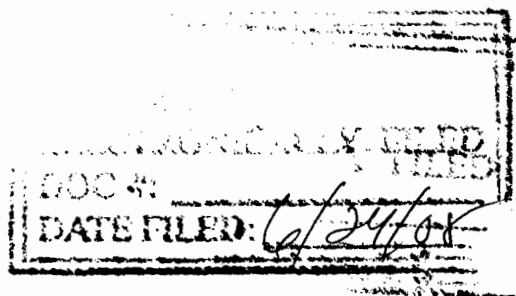
86 Chambers Street, 3rd floor
New York, New York 10007

June 23, 2008

MEMORANDUM ENDORSED

BY FAX

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
500 Pearl Street
New York, New York 10007



Re: Ludina Rosa v. Astrue,
07 Civ. 9478 (LAP) (GWG)

Dear Judge Gorenstein:

We write in response to the Court's May 29, 2008 order in the above-referenced Social Security case. The order directed the defendant to address plaintiff's assertion that she filed her complaint late because she was unable to read or write English. In response to the Court's order, the Social Security Administration reviewed plaintiff's administrative file, and the Appeals Council issued an order granting plaintiff an extension of time to file her complaint. A copy of the order is enclosed.

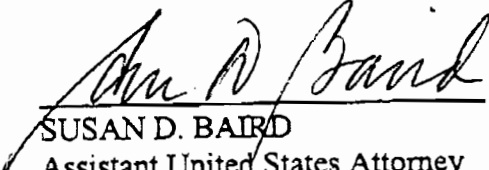
In light of this order, the Commissioner withdraws his motion to dismiss the complaint as untimely. The Social Security Administration is now preparing the administrative record which is required to answer the complaint, and we anticipate that it will be ready within 60 days, or by

August 22, 2008. We propose to file an answer to the complaint within thirty days of receipt of the record, or by September 22, 2008. We appreciate the Court's consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


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Enc.

cc: Ludina Rosa
Plaintiff pro se

The motion to dismiss on statute of limitations grounds (docket # 5) is denied. In light of the delay that has occurred in this case, any motion to dismiss or for judgment on the pleadings shall, along with the administrative record, be filed by September 22, 2008.

SO ORDERED:

DATE:

6/23/2008


GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE